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SENATE BILL 648

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO FORFEITURE OF PROPERTY; APPLYING THE FORFEITURE ACT
TO THE SEIZURE, FORFEITURE AND DISPOSAL OF DEADLY WEAPONS USED
NEGLIGENTLY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-7-4 NMSA 1978 (being Laws 1963,
Chapter 303, Section 7-3, as amended) is amended to read:

"30-7-4. NEGLIGENT USE OF A DEADLY WEAPON. --

A. Negligent use of a deadly weapon consists of:

(1) discharging a firearm into any building or
vehicle or so as to knowingly endanger a person or ~~his~~ the
person's property;

(2) carrying a firearm while under the
influence of an intoxicant or narcotic;

(3) endangering the safety of another by

underscored material = new
[bracketed material] = delete

1 handling or using a firearm or other deadly weapon in a
2 negligent manner; or

3 (4) discharging a firearm within one hundred
4 fifty yards of a dwelling or building, not including abandoned
5 or vacated buildings on public lands during hunting seasons,
6 without the permission of the owner or lessees thereof.

7 B. The provisions of Paragraphs (1), (3) and (4) of
8 Subsection A of this section shall not apply to a peace officer
9 or other public employee who is required or authorized by law
10 to carry or use a firearm in the course of ~~[his]~~ the officer's
11 or employee's employment and who carries, handles, uses or
12 discharges a firearm while lawfully engaged in carrying out the
13 duties of ~~[his]~~ that office or employment.

14 C. The exceptions from criminal liability provided
15 for in Subsection B of this section shall not preclude or
16 affect civil liability for the same conduct.

17 Whoever commits negligent use of a deadly weapon is guilty
18 of a petty misdemeanor.

19 D. Any deadly weapon used negligently in violation
20 of this section is subject to seizure and forfeiture, and the
21 provisions of the Forfeiture Act apply to the seizure,
22 forfeiture and disposal of such property."

23 Section 2. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2005.